

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:18-cv-00006-MR-DLH

CARLOS RODEIA, )  
Plaintiff, )  
vs. )  
ORDER  
BILTMORE FOREST COUNTRY )  
CLUB, INC., )  
Defendant. )

**THIS MATTER** is before the Court on the Defendant's Motions to Dismiss [Docs. 19, 21]; the Magistrate Judge's Memorandum and Recommendation [Doc. 27] regarding the disposition of that motion; and the Plaintiff's Objections to the Memorandum and Recommendation [Doc. 28].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the Defendant's motions and to submit a recommendation for their disposition.

On May 29, 2018, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the motions to dismiss. [Doc. 27]. The parties

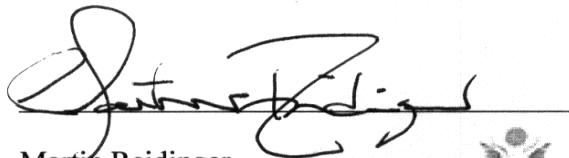
were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The Plaintiff timely filed Objections on June 12, 2018. [Doc. 28].

After careful consideration of the Memorandum and Recommendation and the Plaintiff's Objections thereto, the Court finds that the Magistrate Judge's proposed conclusions of law are correct and consistent with current case law. Accordingly, the Court hereby overrules the Plaintiff's Objections and accepts the Magistrate Judge's recommendation that the motions to dismiss should be granted.

**IT IS, THEREFORE, ORDERED** that the Plaintiff's Objections to the Memorandum and Recommendation [Doc. 28] are **OVERRULED**; the Memorandum and Recommendation [Doc. 27] is **ACCEPTED**; the Defendant's Motions to Dismiss [Doc. 19, 21] are **GRANTED**; and the Plaintiff's claims are hereby **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

Signed: June 21, 2018



Martin Reidinger  
United States District Judge

